

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47236 of 2022

Arising Out of PS. Case No.-257 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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KISHAN LAL Son of Sanjay Kumar Rajak Resident of Village - Soda
Godam, P.s.- Brahmapura , Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 30(a) of the
Bihar Excise Act.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of 3.3 litre of liquor from his house.

Learned counsel for the petitioner submits that the
petitioner was not apprehended from the spot as such nothing
was recovered from his conscious possession, it is next
submitted that the house is a joint family property and petitioner
is not an exclusive owner of the house, as it has been



specifically pleaded in Para-8 of the anticipatory bail application and thus to allege that it was the petitioner, who kept the liquor in the house, is not justified, the learned counsel next submits that even the seizure list prepared is in breach of Section 62 of the Excise Act, 2016.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Brahmapur P.S. Case No. 257 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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